

### **REMARKS**

Applicants hereby reply to the Office Action Summary dated January 18, 2005. Applicants submit herewith check no. 004637375 in the amount of \$60.00 for one month extension for filing a Reply to the Examiner's January 18, 2005 Office Action Summary, which Reply was due April 18, 2005.

In the Office Action Summary the Examiner rejects claims 1-4, 7, 9, 15 and 23; objects to claims 8, 10, and 11; and allows claims 12-14 and 18-22. Claims 5, 6, 16 and 17 remain cancelled as subject to Examiner's restriction requirement. In reply, Applicants amend claims 1-4, 7-11, 15 and 23 to more accurately claim that to which the Applicants are entitled. After entry of this amendment, claims 1-4, 7-15, and 18-23 (3 independent claims; 19 total claims) remain pending in the application. Support for the amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

### **35 U.S.C. § 112 REJECTIONS**

The Examiner rejects claims 4 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the application regards as the invention. Particularly, the Examiner notes that the phrase "a first side wheel hub" is confusing as it relates to the wheel hub cited in claim 1. Applicants amend claims 1 and 4 to provide support for the phrase noted by the Examiner. Additionally, Applicants amend claim 15 to depend from claim 12, and to provide support for the phrase noted by the Examiner. Applicants make the claim amendments to more appropriately claim that to which the Applicants are entitled. No new matter is submitted with the claim amendments. Applicants respectfully assert that the claim amendments render the Examiner's section 112 rejections moot. As such, Applicants respectfully assert that the Examiner's 35 U.S.C. § 112 rejections should be withdrawn.

### 35 U.S.C. § 102 REJECTIONS

The Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,016,944 to Schultz. Specifically, the Examiner suggests that Schultz includes all the limitation of Applicants' claim 1. In view of Applicants' claim amendments, Applicants respectfully assert that the Examiner's section 102 rejections are rendered moot, and should be withdrawn.

Particularly, Applicants amend claim 1 to include that the claimed wheel spinner assembly includes a first spinner mountable to said wheel in proximity to said first wheel face and a second spinner mountable to said wheel in proximity to said second wheel face. Applicants amended claim 1 further recites that said first spinner substantially continues to rotate when said wheel ceases rotation and said second spinner substantially continues to rotate when said wheel ceases rotation.

Applicants respectfully point out that Schultz does not teach or suggest a first and second spinner, wherein the first and second spinner substantially continue to rotate when the wheel ceases to rotate, as is claimed by the Applicants. Contrarily, Schultz teaches an apparatus wherein a covering hub cap includes a horizontally aligned message display arranged for rotation with the associated automobile wheel during rotation of the wheel, and re-alignment of the horizontal message display upon cessation of the automotive wheel in rotation. See Schultz, column 1, lines 61-66. Thus, Schultz teaches that the apparatus rearranges in vertical alignment relative to the wheel to position a message display upon the wheel in a horizontal orientation relative to the automobile wheel. See, Schultz, column 2, line 66-column 3, line 4 and column 4 lines 24-28.

Since Schultz does not teach all the elements of Applicants' claim 1, Schultz is not a proper reference for sustaining a proper section 102 rejection. As such, Applicants respectfully request that the Examiner's section 102 rejection should be withdrawn and that Applicants' claim 1 is patentable over Schultz.

The Examiner also rejects claim 1-4, 7, 9, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,500,884 to Murin. Specifically, the Examiner posits that Murin discloses all of the limitations of Applicants' claim 1. Applicants again note that Applicants amend claim 1 to include that Applicants' claimed wheel spinner assembly includes a first spinner mountable to said wheel in proximity to said first wheel face and a second spinner mountable to said wheel in proximity to said second wheel face. Applicants amended claim 1 further recites that said first spinner substantially continues to rotate when said wheel ceases rotation and said second spinner substantially continues to rotate when said wheel ceases rotation.

Applicants respectfully point out that Murin does not teach or suggest a first and second spinner, wherein the first and second spinner substantially continue to rotate when the wheel ceases to rotate, as is claimed by the Applicants in Applicants' independent claim 1. Contrarily, Murin teaches a wheel attachment adapted to be mounted on a hub of a wheel and carry advertising matter, with means for maintaining the attachment in a stationary position so as to properly present the advertising matter to view. See, Murin, page 1, lines 14-19. In deed, Murin teaches that the apparatus and the collar upon which it is supported remains stationary while the wheel rotates, which in fact maintains the advertising matter properly positioned to be readily read by others. See, Murin, page 1, lines 98-103. As such, Applicants respectfully point out that Murin does not teach or suggest all the claim limitation of Applicants independent claim 1, and Applicants' independent claim 1 is patentable over the Murin reference. Therefore, Applicants respectfully request that the Examiner's rejection of Applicants' independent claim 1 be withdrawn.

Applicants' claims 2-4 and 7-11 variously depend from and incorporate the limitations of Applicants' patentable claim 1. In as much as Applicants' independent claim 1 is patentable, dependent claims 2-4 and 7-11 are also patentable over the Murin

reference. Applicants respectfully request that the Examiner's section 102 rejection of Applicants' claims be withdrawn.

#### CLAIM OBJECTIONS

The Examiner objects to claims 8 and 10-11 as being dependent on a rejected base claim. The Examiner notes that claims 8 and 10-11 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claim. However, Applicants amend the base independent claim 1 from which claims 8 and 10-11 depend. Applicants respectfully assert that Applicants' independent claim 1 is patentable over the cited art. As such, since claims 8 and 10-11 depend from and incorporate all the limitations of patentable independent claim 1, then Applicants' dependent claims 8 and 10-11 are also patentable. Thus, Applicants respectfully assert that the Examiner's objections of Applicants' claims 8 and 10-11 should be withdrawn.

After consideration of the Applicants' amendments, Applicants respectfully submit that all of the claims pending in the application fully comply with 35 U.S.C. § 112 and are patentable over the prior art of record. Consequently, allowance of all remaining claims is earnestly solicited.

The undersigned would welcome a telephone call at the telephone number listed below if such would advance prosecution of this application.

Date: April 25, 2005

Respectfully submitted,

By: 

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